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SUBJECT: CONGRESS REAINS POWER IN GOA AFTER CONSTITUTIONALLY
QUESTIOABLE MANEUVERING ON ALL SIDES

Summary and Coment

1. (SBU) A Congressled coalition assumed power in the small Indian sate of Goa on February 2 after some constitutionally questionable maneuvering by politicians from both Congress and the BJP. Goa Governor S.C. Jamir asked Goa's Congress leader Pratapsinh Rane to form a new state government after Jamir sacked Chief Minister and BJP politician Manohar Parrikar. When taking his action, Jamir acted on Congress's complaint that it had been cheated in a vote of confidence in the state's Legislative Assembly (LA) earlier that day. The BJP's Parrikar had won that vote after his allies in the LA employed some heavy-handed tactics that prevented Congress parliamentarians from voting in full force. Commentators have questioned the legitimacy of both Governor Jamir's and the BJP politicians' actions of February 2, and it remains to be seen whether the new Congress government can withstand the legal and political challenges that it will undoubtedly face in the coming weeks. The week's events may mark the end of the period of relative stability that characterized Goa's politics under the BJP's Parrikar in the past two and a half years, and herald in a return of the divisive politics that gave Goa ten chief ministers in the nine years prior to Parrikar's ascension to power. End Summary.

Goa's Political Crisis: Background

2.(U) The political crisis in India's smallest state began on January 27, when Chief Minister (CM) Manohar Parrikar sacked Planning Minister Babush Monserette. BJP politician Parrikar, CM in Goa for the past two and a half years, fired Monserette ostensibly over corruption allegations. Other observers claim, however, that the CM preemptively removed Monserette after suspecting that Monserette was preparing to defect to the opposition Congress camp. Congress had purportedly offered Monserette the CM job if he agreed to resign and force new elections that Congress was confident of winning.

New Law Tested for First Time in Goa's Crisis

3. (U) Three of Monserette's supporters in the Legislative Assembly (LA) resigned out of protest. With the four resignations (Monserette was also a member of the LA), the size of the Goa parliament dropped from 40 to 36 seats due to a new national law passed in 2004. The law, being tested in practice for the first time, stipulates that individual members of the legislative assembly (MLAs) must also leave the parliament if they desert their faction. They cannot simply join another faction. The law was designed to prevent individual defections from causing a change in governments. Still, Monserette's three supporters left in the hope that their departure would disrupt the BJP majority and bring about new elections.

One-man Parliamentary Factions Immune from New Law?

4. (U) In addition to the four BJP resignations, two other MLAs left the BJP camp. However, both did not leave the parliament, as they each represented a one-person faction. One of the two, independent MLA Philipe Neri Rodriguez, was to play a key role in the subsequent events. Both announced that they would henceforth ally themselves with Congress. Their move was apparently covered by the new law because in each case an entire "faction" was leaving the government and changing sides. As a result of these musical chairs, the BJP camp wound up with 17 MLAs as opposed to 18 supporting Congress. (Note: The position of speaker is not counted in the tallying of the party strengths since the speaker only votes to break ties. The speaker, Viswas Satarkar, was also to play a key role as events unfolded).

BJP Tries to Hoodwink Congress.....

5. (U) CM Parrikar decided to call the equivalent of a vote of confidence for February 2. The BJP was hoping to declare independent MLA Rodriguez' crossover invalid, leaving the BJP and Congress alliances with 17 MLAs each. In the event of a draw vote, speaker Satarkar, a close ally of the CM, would cast the deciding vote in the BJP government's favor. Before the

vote, the BJP tried to disqualify Rodriguez on the grounds that he was still a card-carrying BJP member, although he won his assembly seat as an independent candidate. Assembly speaker Satarkar then tried to use a little known procedure to exclude SUBJECT: CONGRESS REGAINS POWER IN GOA AFTER CONSTITUTIONALLY QUESTIONABLE MANEUVERING ON ALL SIDES Rodriguez from the voting. Fighting ensued as Congress MLAs came to Rodriguez' defense. After Rodriguez was forcibly removed and several Congress MLAs left the plenum in the hope of defending him, speaker Satarkar quickly called a vote that led to an 18-6 victory for incumbent CM Parrikar.

...But Fails After Governor Intervenes

16. (U) Congress MLAs quickly turned to Governor S.C. Jamir. Jamir, arguing that the Chief Minister and the speaker had misused their authority when conducting the vote, dismissed the BJP government. He quickly asked Goa Congress leader Pratapsinh Rane to form a government that was sworn in late on February 2. Independent candidate Rodriguez, whose support was key to the Congress victory, was named as Rane's deputy.

Commentators Question Legality of Governor's Actions

17. (U) Most commentators questioned whether Governor Jamir acted within his constitutional authority when sacking the BJP government. Former Attorney General Soli J Sorabjee told the press that the Governor's move was "patently illegal." If the governor felt that the BJP's maneuver was illegal, he should have ordered the CM to prove his majority by a correct vote of the parliament, Sorabjee said. Former Solicitor General Harish Salve speculated that the Indian Supreme Court would likely examine the legality of the Governor's action. The Governor did have some defenders, however, within the Congress ranks. One former minister said the Indian Constitution covered the Governor's action.

18. (U) The BJP has already announced that it will contest the ousting of its government. BJP leaders, led by former PM Vajpayee and Parikkar, were to meet with President Kalam on February 3 to protest Parikkar's dismissal.

Comment

19. (SBU) The constitutional legitimacy of both Governor Jamir 's and speaker Satarkar's actions on February 2 appears less than iron-clad. It remains to be seen whether the new Congress-led government will withstand the legal and political challenges that it will no doubt face in the coming weeks. Its fate could likely remain in doubt even if it can establish its formal legitimacy, since it has only a one-vote majority in an assembly where, as the events of the past week have shown, political opportunism is in no short supply. Should the disruptions of the past few weeks continue into the medium term, it could mark a return to the instable politics that characterized Goa's politics in the past ten years. Parrikar was credited with bringing in a reign of reasonable stability that also had a positive impact on the business climate in Goa. Prior to Parrikar's ascension to power two and a half years ago, the Goan parliament had elected ten chief ministers in nine years. End Comment.

SIMMONS